

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

TERRELL C. BIRCH  
RAYMOND C. STEWART  
JOSEPH A. KOLASCH  
JAMES M. SLATTERY  
MICHAEL K. MUTTER  
CHARLES GORENSTEIN  
GERALD M. MURPHY, JR.  
LEONARD R. SVENSSON  
ANDREW D. MEIKLE  
MARC S. WEINER  
JOE MCKINNEY MUNCY  
ROBERT J. KENNEY  
JOHN W. BAILEY  
MARK J. NUEL, PH.D.  
JAMES T. ELLER, JR.  
D. RICHARD ANDERSON  
THOMAS M. SMALL  
ROBERT A. SELDON  
JOHN A. SCILLIERI  
SANFORD ASTOR

OF COUNSEL:  
HERBERT M. BIRCH (1905-1996)  
BERNARD L. SWEENEY  
ELLIOT A. GOLDBERG  
WILLIAM L. GATES  
EDWARD H. VALANCE  
RUPERT J. BRADY (RET.)  
F. PRINCE BUTLER  
FRED S. WHISENHUNT (RET.)  
JAMES W. HELLWEGE  
QUENTIN R. "RICK" CORRIE  
ROBERT F. GNUSE  
DAVID R. MURPHY  
ROBERT M. ASHEN  
MICHAEL R. CAMMARATA

\*ADMITTED TO A BAR OTHER THAN VA.

INTELLECTUAL PROPERTY LAW  
8110 GATEHOUSE ROAD  
SUITE 100 EAST  
FALLS CHURCH, VA 22042-1248  
USA  
(703) 205-8000

FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com  
web: http://www.bskb.com

CALIFORNIA OFFICES:  
COSTA MESA, CALIFORNIA  
LOS ANGELES, CALIFORNIA

SCOTT L. LOWE  
PAUL C. LEWIS  
RICHARD GALLAGHER  
MARYANNE ARMSTRONG  
KECIA J. REYNOLDS  
KALPANA REDDY  
ESTHER H. CHONG  
CATHERINE M. VOISINET  
EUGENE T. PEREZ  
CAROLYN T. BAUMGARDNER  
MARTIN R. GEISSLER  
J. ALISON GRABELL  
T. BENJAMIN SCHROEDER, PH.D.  
PERCY L. SQUARE  
HYUNG N. SOHN  
CLINT A. GARDINE  
CRAIG A. MCROBBIE  
WILLIAM F. NIXON  
DANIEL K. DORSEY  
MATTHEW T. SHANLEY

REG. PATENT AGENTS:  
FREDERICK R. HANDREN  
MAKI HATSUMI  
GARITH M. DAHLEN, PH.D.  
ROBERT E. GOOZNER, PH.D.  
KRISTIL RUPERT, PH.D.  
SUSAN W. GORMAN, PH.D.  
ROBERT W. DOWNS  
CHAD J. BILLINGS  
CHRISTINE V. CASTILLO  
CARL T. THOMSEN  
SAM BHATTACHARYA  
BRADLEY C. FACH

16447 U.S. PT  
10/628535  
07/29/03

Date: July 29, 2003

Docket No.: 2750-1569P

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☐ divisional  
☒ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/637,780 filed on August 11,  
2000, the entire contents of which are hereby incorporated by  
reference.

by:

ALEXANDROV, Nickolai; BROVER, Vyacheslav; DUMAS, Jean-Baptiste;  
TROUKHAN, Maxim

for:

SEQUENCE-DETERMINED DNA FRAGMENTS AND CORRESPONDING POLYPEPTIDES  
ENCODED THEREBY

- ☒ Enclosed is an application consisting of a  
specification (83 pages), claims (3 pages), a schematic  
(1 page) and an abstract (1 page) totaling eighty-eight  
(88) pages. Two identical copies of compact disks are  
also enclosed herewith as part of this application.

2. ☒ The filing fee has been calculated as follows:

|   |                 |                 | LARGE ENTITY  | SMALL ENTITY  |
|---|-----------------|-----------------|---------------|---------------|
| BASIC FEE   |                 |                 | \$710.00      | \$370.00      |
|   | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE FEE      | RATE FEE      |
| TOTAL<br>CLAIMS   | 20-20 =         | 0               | x 18 = \$0.00 | x 9 = \$0.00  |
| INDEPENDENT<br>CLAIMS   | 1-3 =           | 0               | x 80 = \$0.00 | x 40 = \$0.00 |
| <input type="checkbox"/> MULTIPLE DEPENDENT<br>CLAIMS PRESENTED |                 |                 | + \$270.00    | + \$135.00    |
| TOTAL   |                 |                 | \$0.00        | \$375.00      |

3. ☐ A check in the amount of \$0.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☒ Please charge Deposit Account No. **50-1055** in the amount of \$375.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 09/637,780, filed on August 11, 2000, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application Nos.: under 35 U.S.C. § 119.--
- b. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 09/637,780, filed on August 11, 2000 and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/637,780 is the national phase of PCT International Application No. PCT/\_\_\_\_\_/\_\_\_\_\_, filed on \_\_\_\_\_ under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 119.--

6. ☐ Enclosed is/are \_\_\_\_\_ (\_\_\_\_) sheet(s) of formal drawings and/or photographs.
- 7a. ☒ A statement claiming small entity status was filed in prior Application No. 09/637,780 on August 11, 2000.
- 7b. ☒ The current application qualifies for small entity status.
8. ☐ The prior application is assigned to \_\_\_\_\_.
9. ☐ A Preliminary Amendment is enclosed.
- 10a. ☒ This application is a continuation-in-part of co-pending Application No. 09/637,780 (Attorney No. 2750-1096P), filed on August 11, 2000, the entire contents of which are hereby incorporated by reference. Through application no. 09/637,780, this application also claims priority under 35 USC §119(e) of the following provisional application, the entire contents of which are hereby incorporated by reference:

| Country       | Filing Date | Attorney No. | Application No. |
|---------------|-------------|--------------|-----------------|
| United States | 8/13/1999   | 2750-0532P   | 60/148,684      |

12. ☒ Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000

or

Customer No. 2292

13. ☒ An extension of time for three (3) month(s) until July 29, 2003 has been submitted in parent Application No. 09/637,780 in order to establish co-pendency with the present application.

14. ☒ Also enclosed herewith is the following:  
ATCC deposit receipts 595, 1161, 1411, 2007, Petition  
for Extensions of Time for application no. 09/637,780  
Request for non-publication, CD-transmittal letter

15. ☒ Two identical sets of seven (7) CD-Rs created using IBM-PC, MS-Windows operating system are also enclosed herewith. The files contained on the CD-R are as follows:

| File Name:                  | Create Date: | File Size: |
|-----------------------------|--------------|------------|
| 010809 Protein Domain Table | 9/26/02      | 2.62 MB    |
| 2750-1569P Table 1          | 7/29/03      | 145 KB     |
| 2750-1569P Table 2          | 7/29/03      | 938 KB     |

If the Primary Deposit Account No. **50-1055** is deficient and non-payment will result in a loss of rights, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

  
Raymond C. Stewart, #21,066

P.O. Box 747.  
Falls Church, VA 22040-0747  
(703) 205-8000

RCS/DRN/BCF  
2750-1569P

Attachments

(Rev. 01/23/01)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Nickolai ALEXANDROV et al.  
Appl. No.: NEW Group: UNASSIGNED  
Filed: July 29, 2003 Examiner: UNASSIGNED  
For: SEQUENCE-DETERMINED DNA FRAGMENTS AND  
CORRESPONDING POLYPEPTIDES ENCODED THEREBY

REQUEST FOR NON-PUBLICATION

Assistant Commissioner for Patents  
Washington, DC 20231

July 29, 2003

Sir:

To the best of my knowledge, I hereby certify that the invention claimed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication of this application at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b) (2) (B) (iii)).**

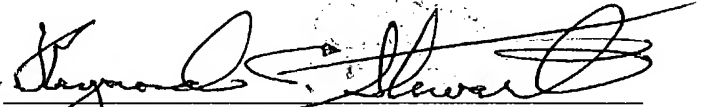
Appl. No. NEW

If the Primary Deposit Account No. 50-1055 is deficient and non-payment will result in a loss of rights, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Raymond C. Stewart, #21,066

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

RCS/DRN/BCF  
2750-1569P

IN THE U.S. PATENT AND TRADEMARK OFFICE

**Compact Disk TRANSMITTAL LETTER**

Applicant: N. ALEXANDROV et al.

Appl. No.: NEW

Filed: July 29, 2003

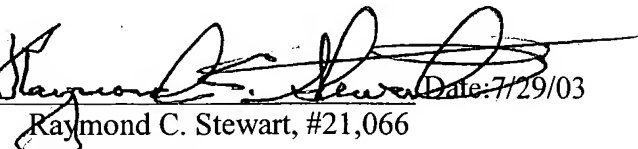
For: SEQUENCE-DETERMINED DNA FRAGMENTS AND CORRESPONDING  
POLYPEPTIDES ENCODED THEREBY

The application identified above contains two (2) identical CD-Rs created using IBM-PC, MS-Windows operating system. The files contained on the CD-R are as follows:

| File Name:                  | Create Date: | File Size: |
|-----------------------------|--------------|------------|
| 010809 Protein Domain Table | 9/26/02      | 2.62 MB    |
| 2750-1569P Table 1          | 7/29/03      | 145 KB     |
| 2750-1569P Table 2          | 7/29/03      | 938 KB     |

If there are any problems concerning the Compact Disk Submission, please contact the undersigned at telephone number 703-205-8000 or by facsimile at 703-205-8050.

Respectfully submitted,  
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  Date: 7/29/03  
Raymond C. Stewart, #21,066  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

RCS/DRN/BCF  
2750-1569P